

REMARKS

In view of the Examiner's comments, Applicants have amended the specification and claims 4 and 14 to remove the changes made to them in the last response to the office action dated March 2, 2006. Applicants have also amended claims 1 and 16 to more particularly point out and distinctly claim the subject matter which they regard as their invention. Support for the amendments can be found in the specification.¹ No new matter has been introduced by the above amendment.

Claims 1-14 and 16-21 are currently pending and under examination. Reconsideration of this application, as amended, is respectfully requested in view of the following remarks.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejects claims 4 and 14 on the ground that the amendments made to them in the last response fail to comply with the written description requirement. Applicants have restored both claims 4 and 14.

Rejection under 35 U.S.C. § 102

Claims 1-5, 7, and 14 are rejected as being anticipated by Rockland et al. U.S. Patent No. 4,124,727 (Rockland). Independent claim 1 will be discussed first.

Claim 1, as amended, covers a reconstituted grain product prepared by grinding uncooked grain materials and, after mixing, water-adding, extrusion, and shaping, drying the grain materials at 45-50°C.

Rockland discloses a nutritionally balanced protein food product prepared by soaking and cooking legume seeds, grinding the cooked legume seeds to afford legume particles, mixing the particles with rice flour, water, and others, and frying the mixture at 205°C. This reference does not teach drying the mixture at 45-50°C, as required by claim 1.

¹ Claims 1 and 16 recites "grinding the uncooked material." This recitation is supported by the specification at page 6 and 7. More specifically, it is described that rice, barley, buckwheat, etc. were mixed, ground, and further processed to form a reconstituted grain product. This product is cooked before serving. As one needs to cook the gain product, it is therefore inherent that the materials used to make the grain product are uncooked. Claim 1 also recites "the drying step is performed at 45-50°C for 3-4 hours." Support for this recitation can be found in the specification at page 7, line 1.

Rockland's method, like that recited in claim 1, includes adding water to grain materials. Unlike claim 1, it reduces the added water by frying the grain materials at 205°C, rather than drying at 45-50°C. Given the different heating temperatures, the water content in Rockland's product cannot be the same as that in the claimed product. Thus, Rockland does not anticipate claim 1.

For the same reasons set forth above, claims 1-5, 7, and 14 are not anticipated by Rockland.

Rejection under 35 U.S.C. § 103

The Examiner rejects claims 6, 8-13, and 16-21 for obviousness.

I

The Examiner rejects product claims 6 and 8-13 on four grounds: (1) claims 6, 8, and 9 are rejected as being obvious over Rockland in view of Igloe, *Dictionary of food Ingredients* (Igloe); (2) claim 10 is rejected as being obvious over Rockland in view of Oplinger et al., *Alternative Field Crops Manual* (Oplinger); (3) claim 11 is rejected as being obvious over Rockland in view of Duke, *Coix lacryma-jobi L.* (Duke); and (4) claim 12 and 13 are rejected as being obvious over Rockland in view of Murray, *Rice Bran May Lower Cholesterol* (Murray).

Claims 6 and 8-13 all depend from claim 1. Their patentability resides at least in part in that a reconstituted grain product is prepared by a method including, among others, drying grain materials at 45-50°C.

As discussed above, Rockland does not disclose or suggest drying grain materials at 45-50°C. As a result, Rockland's product is different from the product covered by claims 6 and 8-13.

Igloe, Oplinger, Duke, and Murray also do not disclose or suggest drying grain materials at 45-50°C for 3-4 hours. Igloe teaches that rice flour, barley, oat, etc. are beneficial to health. See pages 17, 99, and 120. Oplinger teaches that buckwheat is beneficial to health. See table 1 at pages 1 and 2. Duke teaches that adlay can be used as a substitute for rice. See page 3, lines 6-8. Murray teaches that rice bran is beneficial to health. See page 1, lines 6-9. These

references do not mention a drying step, let alone the unique drying temperature required by claims 6 and 8-13, i.e., 45-50°C.

As none of Rockland, Igoe, Oplinger, Duke, and Murray teaches or suggests drying grain materials at 45-50°C, one skilled in the art, in view of these references, would not have been motivated to perform such a unique step. As a result, one would not have arrived at the product of claims 6 and 8-13, which is obtained by, among others, drying grain materials at 45-50°C. In other words, Rockland, Igoe, Oplinger, Duke, and Murray, either alone or in any combination, do not render claims 6 and 8-13 obvious.

II

The Examiner rejects method claims 16-21 on two grounds: (1) claims 16-19 are rejected as being obvious over Rockland in view of Sadel et al., US Patent 4,778,690 (Sadel); and (2) claims 20 and 21 are rejected as being obvious over Rockland in view of Sadel and Igoe. Applicants will first discuss product claims 6 and 8-13.

Among the rejected method claims, claim 16 is independent. This claim covers a method of preparing a reconstituted grain product. The method includes grinding uncooked grain materials and, after mixing, water-adding, extrusion, and shaping, drying the grain materials at 45-50°C.

As discussed above, Rockland does not disclose or suggest drying the grain materials at 45-50°C, as required by claim 16. Neither does Sadel, a secondary reference. It teaches a method of preparing a snack food by mixing, watering adding, extruding, and drying a grain product. Nowhere in this reference is the above-mentioned unique drying temperature taught. Igoe, the other secondary reference, also fails to disclose drying the grain materials at 45-50°C.

Since neither of Rockland, Sadel, and Igoe teaches drying the grain materials at 45-50°C, a combination of these two references also fails to do so. Thus, claim 16, which requires such a unique step, is not rendered obvious by Rockland, Sadel, and Igoe.

For the same reasons, claims 17-21, all dependent from claim 16, are also not rendered obvious by these three references.

Applicants would like to point out that claims 16-21 can be distinguished from the three cited prior art reference on a second, independent ground.

Claims 16-21 requires grinding uncooked grain materials. See independent claim 16. The grain materials contain legume. It follows that claims 16-21 all require grinding uncooked legume.

As mentioned above, Rockland's method includes, among others, first cooking legume and then grinding the resultant legume. Thus, Rockland teaches grinding cooked legume, not grinding uncooked legume as required by claims 16-21. Neither Sadel nor Igoe cures this deficiency. Sadel teaches a method of preparing snack food. As it does not teach or suggest including legume in the snack food, it of course does not suggest a step of grinding legume, let alone grinding uncooked legume as required by claim 16-21. Igoe teaches that rice flour, barley, oat, etc. are beneficial to health. Like Sadel, it does not mention a grinding step.

Since none of Rockland, Sadel, and Igoe suggests grinding uncooked legume, claims 16-21, which require such a unique step, are not rendered obvious by these three references.

In sum, claims 6, 8-13, and 16-21 are not obvious over the cited prior art.

CONCLUSION

Applicants submit that the grounds for the rejections asserted by the Examiner have been overcome and claims 1-14 and 16-21, as pending, cover subject matter that is novel and unobvious over the prior art. Applicants request that all pending claims be allowed.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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